RIAN Z. TAMANAHA, the newly appointed William Gardiner Hammond Professor of Law, discussed “Belief in Law” during his installation address on September 12, 2011. A renowned jurisprudence scholar, Tamanaha stressed that working to fix flaws in the legal system—especially in regard to judicial decision-making—requires careful adherence to judicial virtues.

Dean Kent Syverud observed that it was fitting that Tamanaha should hold the chair endowed in Hammond’s name. A former law dean at Washington University (1881–94), Hammond was a groundbreaking, respected authority on common law history, jurisprudence, and legal professional development—areas of expertise also shared by Tamanaha.

Syverud noted that in his prolific writings, Tamanaha often tackles theories and assumptions underlying contemporary legal debates. “Brian is one of the most distinguished and productive scholars that Washington University has ever hired,” Syverud said. “His work is grounded in the understanding that legal theory, or jurisprudence, has real, serious implications for the actual lives of human beings.”

Syverud noted that Tamanaha cares deeply about his students and their professional development, a quality that shows in his work both inside and outside the classroom. “He’s demanding and inspiring,” Syverud said. “He treats students like professionals who matter a lot and who will matter a lot to their clients and to the world.”

A scholar of Hammond’s writings, Tamanaha featured the distinguished dean in his book, Beyond the Formalist–Realist Divide: The Role of Politics in Judging. He noted this was a happy coincidence, since the book was published prior to his joining Washington University.

Hammond spoke openly about the limitations and political imperfections of law and judicial decision-making, Tamanaha said, but he was not considered a skeptic for one important reason—he believed in law. Skeptics see deep flaws in the legal system and declare that "law is a fraud … that it must be exposed, not supported, for supporting it is to support a lie,” Tamanaha said.

On the other hand, those who believe in law—such as Hammond and himself—Tamanaha said, “highlight its flaws in the hope that by acknowledging these, we can work to fix the things that can be fixed.

“Law is an apparatus of coercive state power that too often takes the side of the powerful against the powerless,” Tamanaha noted. “But in my view, the only course is not to undermine the law, but to try to make it better; to engage, as every generation must, in the never completed and never won battle to make law a force for good.”

The missing element for skeptics, Tamanaha said, is the importance of judicial virtues, which include, among others, incorruptibility, judicial sobriety, civic courage, impartiality, judicial intelligence, and practical wisdom.

Tamanaha also briefly discussed his forthcoming book, Failing Law Schools, which focuses on what he describes as a severely flawed economic model for law schools. His research suggests that law schools must fundamentally change in order to deliver a legal education at an affordable cost to students of all income levels and backgrounds—an “uncomfortable” but imperative message, he said.

Tamanaha is the author of six other books and numerous scholarly articles published in leading journals. His publications have been translated into seven languages. An expert in law and society, Tamanaha has delivered lectures throughout the world, including Brazil, Indonesia, Japan, France, the Netherlands, and the United Kingdom.

Previously, he served as a trustee for the Law and Society Association; was a member of the Institute for Advanced Study in Princeton, New Jersey; and served on the faculty of several other law schools. Tamanaha practiced law in Hawaii and Micronesia, where he was legal counsel for the Micronesian Constitutional Convention, assistant attorney general for the Yap State, and assistant federal public defender for the District of Hawaii.